

July 1, 6, 11, 16, 21, 26, 31, 2012

Firearms Transportation Laws

You have stopped an SUV with District plates for a traffic violation. While you are obtaining the driver's information, you notice a fired .45 ACP cartridge case in the cup holder. You immediately ask the person if they have any weapons in the car and the driver tells you that they have a pistol in the rear space of the SUV and the driver gives you permission to retrieve it. In the rear cargo area of the SUV, you locate a gym bag. The bag contains a box of 9 mm ammunition and a hard plastic box, which is secured with a lock. The box contains a 9 mm pistol and two empty magazines for the pistol. The driver provides you an exact copy of the District of Columbia registration certificate for the pistol.

How should you address the issues related to the firearms?

Under District and federal law, if someone is transporting a firearm in a vehicle that does not have a compartment separate from the driver's compartment, the unloaded firearm or ammunition shall be contained in a locked container other than the glove compartment or console. If the vehicle does have a separate compartment, like a trunk, then, the firearm shall be unloaded, and neither the firearm nor any ammunition being transported shall be readily accessible or directly accessible from the passenger compartment of the transporting vehicle. When transporting a firearm, District residents are required to carry either the actual District of Columbia registration certificate (PD Form 219) or an exact photocopy at all times.

In this particular circumstance, the driver has an exact photocopy of the District of Columbia registration certificate, and he also has the pistol and the box of ammunition stored properly inside his vehicle. The only issue is the single .45 ACP cartridge case in the cup holder. While the driver is lawfully in possession of the cartridge case, he is not transporting in accordance with the law. In order to comply with the law, the cartridge case should be stored so it is not accessible from the passenger compartment and the driver is, in fact violating the law and could be placed under arrest for this action.

Members of the department should generally exercise discretion in making arrests under this scenario or other similar occurrences. In this particular set of circumstances, you should not make an arrest. Rather, you should explain to the driver that the cartridge casing is considered ammunition under DC law and should be transported so it is not accessible from the passenger compartment, and have the driver move it to the rear cargo area. Be sure you also address the traffic violation which was the basis of your stop in accordance with departmental policy.

